863

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: **HON'BLE SHRI H.L. DATTU, CJ. &**
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Civil Writ Petition No. 2564 of 2002

PETITIONERS

1. M/s. BWL Limited, Industrial Area, P.B. No. 14, Bhilai – 490 026, Chhattisgarh
2. H.P. Khetawat
   S/o Late Kishanlal Khetewat
   Block No.18, Motilal Nehru Nagar,
   Bhilai, Chhattisgarh
3. Sandeep Khetawat
   Plot No.9 & 10, Block-18
   Motilal Nehru Nagar, Bhilai
   Chhattisgarh
4. Sunil Khetawat
   Plot No.9 & 10, Block -18
   Motilal Nehru Nagar, Bhilai
   Chhattisgarh
5. M/s Bhilai Finance Pvt. Ltd.
   Room No. 408, 4th Floor
   1, Rowden Street, Kolkata
   (W.B.) 700 017
6. M/s Bhilai Holdings Pvt. Ltd.
   Room No. 408, 4th Floor
   1, Rowden Street Kolkata
   (W.B.) 700 017

VERSUS

RESPONDENTS

1. Union of India
   Ministry of Law
   Shastri Bhawan
   R.P. Road
   New Delhi
2. Asstt. General Manager
   State Bank of India
   Commercial Branch
   Bhilai (C.G.) 490001

Present: Shri N.K. Vyas, counsel for the petitioners.
Shri Bhishma Kinger learned counsel for the respondent/Union of India.

ORAL ORDER

(Passed on 03rd April, 2007)

The following oral order of the Court was passed by

H.L. Dattu, CJ.

The reliefs sought for by the petitioners in this writ petition are as under:

> "[a] Issue appropriate writ, direction or order striking down the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest [Second] Ordinance 2002.
>
> [b] Issue appropriate writ, direction or order striking down Sections 9,13,15,17,19,34,35 and 37 of the said Ordinance.
>
> [c] Issue appropriate writ, direction or order quashing the notices issued by the Respondent No.2 against the Petitioners.
>
> [d] Pass such other or further order(s) as this Hon'ble Court may deem fit in the facts and circumstances of the case."

(2) The issues raised in this writ petition are no more debatable in view of the decision of the Apex Court in the case of **Mardia Chemicals Ltd. and Others Vs. Union of India and Others,** reported in **(2004) 4 SCC 311** .

(3) In view of the law declared by the Apex Court, the writ petition requires to be rejected and it is rejected.

(4) In so far as the notice issued by the Bank in exercise of its powers under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest [Second] Ordinance 2002, is concerned, the petitioners are at liberty to file objections, if they are not filed, within a month's time from today and the Bank shall consider the same in accordance with law and keeping in

865

view the observations made by the Apex Court in the case of Mardia Chemical Ltd. (supra). Ordered accordingly.

Sd/-
Vijay Kumar Shrivastava
Judge

Sd/-
Chief Justice